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EXAMINER

NGUYEN, N

ART UNIT

PAPER NUMBER

2764

DATE MAILED: 11/26/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/290,251

Applicant

Nagal et al.

Examiner  
Nga B. Nguyen

Group Art Unit  
2764



☒ Responsive to communication(s) filed on Apr 13, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-16 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-16 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### DETAILED ACTION

1. This Office Action is the answer to the communication filed on April 13, 1999 , which paper has been placed of record in the file.
2. Claims 1-16 are pending in this application.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 4, 6, 14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Tozaki et al, U.S. Patent No. 5,729,516.

Regarding claim 1, Tozaki et al disclose a reproduction apparatus for reproducing video data or audio data from a medium dedicated to reproduction or a recordable medium having video data or audio data recorded thereon, video data or audio data being generated by superimposing information concerning copying permission on a digitized video signal or audio signal or embedding the information therein, reproduction apparatus comprising (see column 17, line 65-column 23, line 15):

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means for reproducing the information concerning copy permission superimposed on or embedded in the video data or audio data;

means for determining whether the medium to be reproduced is a medium to be reproduced is a medium dedicated to reproduction or a recordable medium; and

means for stopping reproduction in response to that the information reproduced by permission information reproducing means indicates that copying once was permitted and a result of the determining by determining means indicates a medium dedicated to reproduction.

Regarding claim 2, Tozaki et al disclose a reproduction apparatus for reproducing video data or audio data from a medium dedicated to reproduction or a recordable medium having video data or audio data recorded thereon, video data or audio data being generated by superimposing information concerning copying consent on a digitized video signal or audio signal or embedding the information therein, reproduction apparatus comprising (see column 17, line 65-column 23, line 15 and column 14, lines 45-50):

means for reproducing the information concerning copy consent superimposed on or embedded in the video data or audio data;

means for determining whether the medium to be reproduced is a medium to be reproduced is a medium dedicated to reproduction or a recordable medium;

error correction means for conducting error correction according to an added correction code; and

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means for destroying reproduced data so as to make the video data or audio data irreproducible in response to that the information reproduced by permission information reproducing means indicates that copying once was permitted and a result of the determining by determining means indicates a medium dedicated to reproduction.

Regarding claim 4, Tozaki et al disclose a reproduction apparatus for reproducing video data or audio data from a medium dedicated to reproduction or a recordable medium having video data or audio data recorded thereon, video data or audio data being generated by superimposing information concerning copying consent on a digitized video signal or audio signal or embedding the information therein, reproduction apparatus comprising (see column 17, line 65-column 23, line 15 and column 24, lines 9-14):

means for reproducing the information concerning copy consent superimposed on or embedded in the video data or audio data;

means for determining whether the medium to be reproduced is a medium to be reproduced is a medium dedicated to reproduction or a recordable medium;

means for stopping reproduction in response to that the information reproduced by permission information reproducing means indicates that copying once was permitted and a result of the determining by determining means indicates a medium dedicated to reproduction; and

means for outputting video data or audio data representing a reason of stoppage.

Regarding claim 6, Tozaki et al disclose a reproduction apparatus for reproducing video data or audio data from a medium dedicated to reproduction or a recordable medium having video

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data or audio data recorded thereon, video data or audio data being generated by superimposing information concerning copying consent on a digitized video signal or audio signal or embedding the information therein, reproduction apparatus comprising (see column 17, line 65-column 23, line 15 and column 24, lines 9-14):

means for reproducing the information concerning copy consent superimposed on or embedded in the video data or audio data;

means for determining whether the medium to be reproduced is a medium to be reproduced is a medium dedicated to reproduction or a recordable medium;

means for stopping reproduction in response to that the information reproduced by permission information reproducing means indicates that copying once was permitted and a result of the determining by determining means indicates a medium dedicated to reproduction;

means for outputting a control signal, the control signal instructing a video signal or audio signal representing a reason of stoppage to be outputted.

Claim 14 is written in function method and contains the same limitations as claim 1, therefore is rejected by the same rationale.

Claim 16 is written in computer software and contains the same limitation as claim 1, therefore is rejected by the same rationale.

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***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 5, 7, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tozaki et al, U.S. Patent No. 5,729,516, in view of Kuroda et al, U.S. Patent No. 5,815,472.

Regarding claim 3, Tozaki et al disclose a reproduction apparatus for reproducing video data or audio data from a medium dedicated to reproduction or a recordable medium having video data or audio data recorded thereon, video data or audio data being generated by superimposing information concerning copying consent on a digitized video signal or audio signal or embedding the information therein, reproduction apparatus comprising (see column 17, line 65-column 23, line 15):

means for reproducing the information concerning copy consent superimposed on or embedded in the video data or audio data;

means for determining whether the medium to be reproduced is a medium to be reproduced is a medium dedicated to reproduction or a recordable medium;

However, Tozaki et al do not disclose: error correction means for conducting error correction according to an added correction code; and means for destroying video data or audio data so as to make error detection of video data or audio data not yet subjected to error

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correction processing possible and make error correction thereof impossible in response to that the information reproduced by permission information reproducing means indicates that copying once was permitted and a result of the determining indicates a medium dedicated to reproduction.

Kuroda et al disclose: error correction means for conducting error correction according to an added correction code (column 8, lines 35-52); and means for destroying video data or audio data so as to make error detection of video data or audio data not yet subjected to error correction processing possible and make error correction thereof impossible in response to that the information reproduced by permission information reproducing means indicates that copying once was permitted and a result of the determining indicates a medium dedicated to reproduction (column 14, line 48-column 15, line 5). It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine Kuroda's error correction means and destroying data means in Tozaki's apparatus for the purpose of making error correction impossible when data is destroyed after copying once.

Regarding claim 5, Tozaki et al disclose a reproduction apparatus for reproducing video data or audio data from a medium dedicated to reproduction or a recordable medium having video data or audio data recorded thereon, video data or audio data being generated by superimposing information concerning copying consent on a digitized video signal or audio signal or embedding the information therein, reproduction apparatus comprising (see column 17, line 65-column 23, line 15 and column 3, line 45-column 4, line 30):



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means for reproducing the information concerning copy consent superimposed on or embedded in the video data or audio data;

means for identifying whether the medium to be reproduced is a medium to be reproduced is a medium dedicated to reproduction or a recordable medium;

means for outputting video data or audio data representing a reason why reproduction is not possible.

However, Tozaki et al do not disclose: error correction means for conducting error correction according to an added correction code; and means for destroying video data or audio data so as to make error detection of video data or audio data not yet subjected to error correction processing possible and make error correction thereof impossible in response to that the information reproduced by permission information reproducing means indicates that copying once was permitted and a result of the determining indicates a medium dedicated to reproduction.

Kuroda et al disclose: error correction means for conducting error correction according to an added correction code (column 8, lines 35-52); and means for destroying video data or audio data so as to make error detection of video data or audio data not yet subjected to error correction processing possible and make error correction thereof impossible in response to that the information reproduced by permission information reproducing means indicates that copying once was permitted and a result of the determining indicates a medium dedicated to reproduction (column 14, line 48-column 15, line 5). It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine Kuroda's error correction means and

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destroying data means in Tozaki's apparatus for the purpose of making error correction impossible when data is destroyed after copying once.

Regarding claim 7, Tozaki et disclose a reproduction apparatus for reproducing video data or audio data from a medium dedicated to reproduction or a recordable medium having video data or audio data recorded thereon, video data or audio data being generated by superimposing information concerning copying consent on a digitized video signal or audio signal or embedding the information therein; reproduction apparatus comprising (see column 17, line 65-column 23, line 15 and column 3, line 45-column 4, line 30):

means for reproducing the information concerning copy consent superimposed on or embedded in the video data or audio data;

means for determining whether the medium to be reproduced is a medium to be reproduced is a medium dedicated to reproduction or a recordable medium;

means for outputting a control signal, the control signal instructing a video signal or audio signal representing a reason why reproduction is impossible to be outputted.

However, Tozaki et al do not disclose: error correction means for conducting error correction according to an added correction code; and means for destroying reproduced data so as to make the video data or audio data unreproducible in response to that the information reproduced by permission information reproducing means indicates that copying once was permitted and a result of the determining by determining means indicates a medium dedicated to reproduction.

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Kuroda et al disclose: error correction means for conducting error correction according to an added correction code (column 8, lines 35-52); and means for destroying reproduced data so as to make the video data or audio data irreproducible in response to that the information reproduced by permission information reproducing means indicates that copying once was permitted and a result of the determining by determining means indicates a medium dedicated to reproduction (column 14, line 48-column 15, line 5). It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine Kuroda's error correction means and destroying data means in Tozaki's apparatus for the purpose of making error correction impossible when data is destroyed after copying once.

Claim 15 is written in function method and contains the same limitations as claim 3, therefore is rejected by the same rationale.

7. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tozaki et al, U.S. Patent No. 5,729,516, in view of Takemura et al, U.S. Patent No. 5,809,007.

Regarding claim 8, Tozaki et al disclose a reproduction apparatus for reproducing video data or audio data from a medium dedicated to reproduction or a recordable medium having video data or audio data recorded thereon, video data or audio data being generated by superimposing information concerning copying consent on a digitized video signal or audio signal, reproduction apparatus comprising (see column 17, line 65-column 23, line 15):

a permission information reproduction circuit reproducing the information concerning copying consent superimposed on the video data or audio data;

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a reproduction stopping circuit stopping reproduction in response to that the information reproduction circuit indicates that copying once was permitted.

However Tozaki et al do not disclose: a medium identification code recorded on recordable medium; a medium identification code detection circuit detecting the medium identification code; and medium identification code identifying the medium dedicated to reproduction or the recordable medium.

Takemura et al disclose: a medium identification code recorded on recordable medium; a medium identification code detection circuit detecting the medium identification code; and medium identification code identifying the medium dedicated to reproduction or the recordable medium (figure 9 and column 9, lines 14-20 and column 11, lines 22-column 12, line 25). It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine Takemura's medium identification code in Tozaki's apparatus for the purpose of allowing copying permission/prohibition to be judged based on the medium identification code recorded on recordable medium.

Regarding claim 9, Tozaki and Takemura disclose everything applied as above (see claim 8), in addition, Takemura discloses medium identification code detection circuit and reproduction stopping circuit are integrated into a single semiconductor device (column 11, lines 30-50).

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tozaki et al, U.S. Patent No. 5,729,516, in view of Doi, U.S. Patent No. 5,901,125.

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Regarding claim 10, Tozaki et al disclose a reproduction apparatus for reproducing video data or audio data from a medium dedicated to reproduction or a recordable medium having video data or audio data recorded thereon, video data or audio data being generated by superimposing information concerning copying permission on a digitized video signal or audio signal, reproduction apparatus comprising (see column 17, line 65-column 23, line 15):

means for reproducing the information concerning copy permission superimposed on the video data or audio data;

means for determining whether the disk is a recordable medium or a medium dedicated to reproduction; and

means for stopping reproduction in response to that the information reproduced by permission information reproducing means indicates that copying once was permitted and a result of the determining by determining means indicates a medium dedicated to reproduction.

However, Tozaki et al do not disclose: means for detecting reflectance of a disk; means for determining whether the disk is a recordable medium on the basis of the reflectance of the disk.

Doi teaches: means for detecting reflectance of a disk; means for determining whether the disk is a recordable medium on the basis of the reflectance of the disk (column 13, lines 45-55). It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine Doi's detecting reflectance means in Tozaki's apparatus for the purpose of judging the type of disk based on the reflectance of the disk.

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9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tozaki et al, U.S. Patent No. 5,729,516, in view of Takemura et al, U.S. Patent No. 5,809,007 and further in view of Doi, U.S. Patent No. 5,901,125.

Regarding claim 11, Tozaki et al disclose a reproduction apparatus for reproducing video data or audio data from a medium dedicated to reproduction or a recordable medium having video data or audio data recorded thereon, video data or audio data being generated by superimposing information concerning copying consent on a digitized video signal or audio signal, reproduction apparatus comprising (see column 17, line 65-column 23, line 15):

- means for reproducing the information concerning copy permission superimposed on the video data or audio data;

- means for determining whether the disk is a recordable medium or a medium dedicated to reproduction; and

- means for stopping reproduction in response to that the information reproduced by permission information reproducing means indicates that copying once was permitted and a result of the determining by determining means indicates a medium dedicated to reproduction.

However Tozaki et al do not disclose: a medium identification code recorded on recordable medium; a medium identification code detection circuit detecting the medium identification code; and medium identification code identifying the medium dedicated to reproduction or the recordable medium; means for detecting reflectance of a disk; and means for determining whether the disk is a recordable medium on the basis of the reflectance of the disk.

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Takemura et al disclose: a medium identification code recorded on recordable medium; a medium identification code detection circuit detecting the medium identification code; and medium identification code identifying the medium dedicated to reproduction or the recordable medium (figure 9 and column 9, lines 14-20 and column 11, lines 22-column 12, line 25). It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine Takemura's medium identification code in Tozaki's apparatus for the purpose of allowing copying permission/prohibition to be judged based on the medium identification code recorded on recordable medium.

Doi teaches: means for detecting reflectance of a disk; means for determining whether the disk is a recordable medium on the basis of the reflectance of the disk (column 13, lines 45-55). It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine Doi's detecting reflectance means in Tozaki's apparatus for the purpose of judging the type of disk based on the reflectance of the disk.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tozaki et al, U.S. Patent No. 5,729,516, in view of Yokota et al, U.S. Patent No. 5,633,841.

Regarding claim 12, Tozaki et al disclose a reproduction apparatus for reproducing video data or audio data from a medium dedicated to reproduction or a recordable medium having video data or audio data recorded thereon, video data or audio data being generated by superimposing information concerning copying consent on a digitized video signal or audio signal, reproduction apparatus comprising (see column 17, line 65-column 23, line 15):

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means for reproducing the information concerning copy permission superimposed on the video data or audio data;

means for stopping reproduction in response to that the information reproduced by permission information reproducing means indicates that copying once was permitted..

However, Tozaki et al do not disclose: means for detecting wobbled grooves existing on a disk; and means for stopping reproduction when detecting means does not detect wobbled grooves.

Yokota et al teach: means for detecting wobbled grooves existing on a disk; and means for stopping reproduction when detecting means does not detect wobbled grooves (column 3, lines 43-55). It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine Yokota's detecting wobbled grooves means for the purpose of deciding to reproduce or stop reproduce data on recordable disk based on the wobbled grooves existing on a disk.

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tozaki et al, U.S. Patent No. 5,729,516, in view of Takemura et al, U.S. Patent No. 5,809,007 and further in view of Yokota et al, U.S. Patent No. 5,633,841.

Regarding claim 13, Tozaki et al disclose a reproduction apparatus for reproducing video data or audio data from a medium dedicated to reproduction or a recordable medium having video data or audio data recorded thereon, video data or audio data being generated by superimposing



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information concerning copying consent on a digitized video signal or audio signal, reproduction apparatus comprising (see column 17, line 65-column 23, line 15):

means for reproducing the information concerning copy permission superimposed on the video data or audio data;

means for stopping reproduction in response to that the information reproduced by permission information reproducing means indicates that copying once was permitted.

However, Tozaki et al do not disclose: a medium identification code recorded on recordable medium; a medium identification code detection circuit detecting the medium identification code; and medium identification code identifying the medium dedicated to reproduction or the recordable medium; means for detecting wobbled grooves existing on a disk; and means for stopping reproduction when detecting means does not detect wobbled grooves.

Takemura et al disclose: a medium identification code recorded on recordable medium; a medium identification code detection circuit detecting the medium identification code; and medium identification code identifying the medium dedicated to reproduction or the recordable medium (figure 9 and column 9, lines 14-20 and column 11, lines 22-column 12, line 25). It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine Takemura's medium identification code in Tozaki's apparatus for the purpose of allowing copying permission/prohibition to be judged based on the medium identification code recorded on recordable medium.

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Yokota et al teach: means for detecting wobbled grooves existing on a disk; and means for stopping reproduction when detecting means does not detect wobbled grooves (column 3, lines 43-55). It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine Yokota's detecting wobbled grooves means for the purpose of deciding to reproduce or stop reproduce data on recordable disk based on the wobbled grooves existing on a disk.

*Conclusion*

12. Claims 1-16 are rejected.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen, whose telephone number is (703)306-2901. The examiner can normally be reached on Monday-Thursday from 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell, can be reached on (703)305-9768.

14. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks

c/o Technology Center 2700

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

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or:

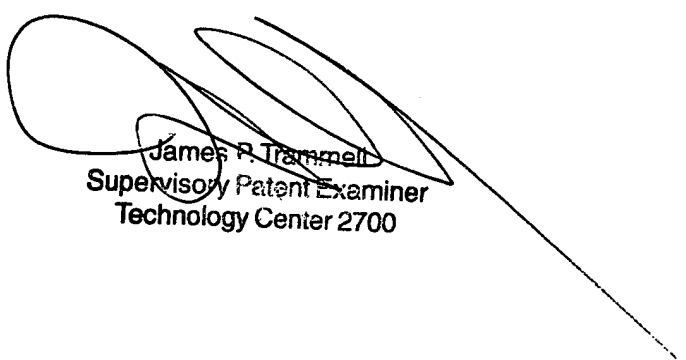
(703) 308-5397 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington.

VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Group receptionist whose telephone number is (703)305-3900.

Nga B. Nguyen  
November 16, 1999



James P. Trammell  
Supervisory Patent Examiner  
Technology Center 2700

E4570-

INFORMATION UNDER 37 CFR 1.56(a)

(For Initial Filing)

The following references are submitted as information  
to comply with the duty of disclosure under 37 CFR 1.56(a):

References	Disclosed in the specification?		Copy			Translation	
	Yes	No	Enc.	Follow	Please obtain	Enc.	Not available
NIKKEI ELECTRONICS 1. issue of Feb. 24, 1997 pp.99-123 <i>mm</i>	<input type="radio"/>		<input type="radio"/>				<input type="radio"/>

Nga B. Nguyen

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